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Planning Commission Date: October 27, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business

Report prepared by: Kim Duncan

Public Hearing: Yes: _____ No: X

Notices Mailed On: N/A

Published On: N/A

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TITLE: "S" ZONE APPROVAL AMENDMENT (SA2004-90)

Proposal: Request approval for the installation of seven (7) new trash/tallow enclosure constructed of chain link with vinyl slats at Milpitas Square Shopping Center.

Location: 190 Barber Lane (APN 086-01-043)

RECOMMENDATION: Approve with conditions

Applicant: Milpitas Square, LLC, 39812 Mission Boulevard, Ste. 203, Fremont, CA 94539.

Property Owner: same

Previous Action(s): 'S'-Zone and Use Permit Approvals and Amendments

General Plan Designation: General Commercial

Present Zoning: General Commercial with 'S' Zone overlay ("C2-S")

Existing Land Use: Commercial retail shopping center

Environmental: Exempt pursuant to Section 15303, Class 3 (e).

Agenda Sent To: Applicant/property owner

Attachments: Site plan, letter of description dated September 13, 2004, photos

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BACKGROUND

On July 12, 1995, the Planning Commission approved Milpitas Square, a 162,550 square foot shopping center, as well as Use Permit No. 1278 for a supermarket that included the sale of all types of alcohol. Since the original approval, a sign program for the center was approved on April 10, 1996 and numerous use permits for restaurants.

Site Description

The Milpitas Square shopping center is located on 17 acres at the southwest corner of State Route 237 and Interstate 880, at Barber Lane and the eastern terminus of Bellew Drive. Surrounding land uses include two hotels, the Billings Chevrolet dealership and undeveloped industrial lands. The shopping center contains numerous restaurants, a grocery store and a variety of other retail uses.

THE APPLICATION

This 'S' Zone Approval Amendment application is submitted pursuant to Title XI, Chapter 10, Section 42.10-2 (Applications for modifications or amendment) of the Milpitas Zoning Ordinance. The applicant is requesting approval for seven (7) new tallow and trash/recycling enclosures located in various locations at the Milpitas Square Shopping Center.

PROJECT DESCRIPTION

The applicant is requesting approval for seven (7) new tallow and trash enclosures constructed of chain link fencing with vinyl slats located at Milpitas Square Shopping Center. The applicant has been working with City departments to beautify the shopping center and, subsequently, constructed the chain link enclosures without City review and approval. All the new enclosures are constructed with vinyl slats of a silver-beige color to match the shopping center buildings and existing concrete enclosures. Two (2) enclosures (No.s 2.5, & 8) are new and replace previously approved concrete enclosures that were demolished or not constructed, four (4) enclosures (No.s 1, 5, 6 & 7) are additions to existing concrete enclosures to accommodate tallow bins and one (1) (No. 10) is a new tallow bin enclosure. Three (3) of the new enclosures (No.s 2, 5 & 6) are located at the rear of the shopping center, two (2) (No.s 7 & 8) are located behind Pad Buildings G and H and one (1) (No. 1) is located at the side of the Building F, facing Barber Court. In addition, one (1) (No. 10) tallow bin enclosure is located at the front of Pad Building A, facing Barber Lane, (adjacent to Billings Chevrolet) and screened from view by landscaping. The applicant is requesting approval of the chain link enclosures with vinyl slats as shown in the schedule below:

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Proposed enclosures for Milpitas Square

Enclosure No.	New/Addition	Width/Depth/Height	Size (sq. ft.)
1	Addition	5'x10'x6'	50 sq. ft.
2.5	New	16'x8'x6'	128 sq. ft.
5	Addition	5'x8'x6'	40 sq. ft.
6	Addition	5'x8'x6'	40 sq. ft.
7	Addition	14'x8'x6'	112 sq. ft.
8	New	24'x8'x6'	192 sq. ft.
10	New	7x5'x5'	35 sq. ft.

*See site plan for locations

ISSUES

Conformance with the General Plan and Zoning Ordinance

The proposed project complies with the City's General Plan in terms of land use Implementation Policy 2.a-1-10 in that the new enclosures will foster community pride and growth through beautification of existing and future development. The proposed project reduces the visibility of existing trash, recycling and tallow bins by providing enclosures, therefore beautifying the existing shopping center. In addition, the project complies with the City's Zoning Ordinance development standards for the General Commercial district as described below:

Required Development Standard	Proposed Project	Complies?
Height of structures: no limit	New enclosures between five (5) and six (6) feet in height.	Yes
Front yard: none	Enclosure No. 1: approximately 20 feet	Yes
Side and rear yards: 15 feet required adjacent to Residential	Site not adjacent to Residential.	Yes
Areas for collecting/loading recyclable materials	Seven proposed enclosures will accommodate space for storing and loading of recyclable materials.	Yes

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“S” Zone Approval

The project complies with the “S” Zone Combining District in that chain link with silver-beige vinyl slats is compatible and aesthetically harmonious with adjacent and surrounding development. The proposed silver-beige vinyl slats will match the existing buildings and enclosures at the shopping center. In addition, the new enclosures will screen existing trash, recycling and tallow bins from public view.

Landscaping

The project site is currently landscaped with trees and bushes along the Highway 237/I-880 corridor. However, the landscaping has not performed well due to the less than ideal growing conditions over the years. These conditions have left gaps in the landscaping, leaving trash enclosures and site conditions at the rear of Milpitas Square visible from roadways. As part of this application, the applicant is proposing to enhance the landscaping by replanting the north and northeast portions of the site (side and rear of the property adjacent to 237/I-880) to the originally approved landscape conditions, as shown on the landscape plans, and maintain the landscaping to ensure future growth. Therefore, *staff recommends* a condition of approval that the applicant install replacement landscape plantings to the originally approved landscape plans and maintain the landscaped areas weed free for 90 days prior to building permit final. The applicant agrees to this condition.

Environmental Review

This project is categorically exempt from further environmental review pursuant to Class 3, Section 15303 (e) of the California Environmental Quality Act (CEQA) Guidelines. This section addresses “New construction or conversion of small structures ... Accessory structures including garages, patios...and fences.”

RECOMMENDATION

Approve the “S” Zone Approval-Amendment application subject to the Findings and Special Conditions listed below:

FINDINGS

1. The proposed project complies with the City’s General Plan in terms of land use Implementation Policy 2.a-1-10 in that the new enclosures will foster community pride and growth through beautification of existing and future development. The proposed enclosures will screen existing trash, recycling and tallow bins from view and beautify the shopping center.
2. The project is consistent with the City’s Zoning Ordinance and ‘S’ Zone Combining District in that the new enclosures are compatible and aesthetically harmonious with adjacent and surrounding development and the project complies with the General Commercial development standards for the C2 zoning district.
3. The project is categorically exempt from further environmental review pursuant to Class 3, Section 15303 (e) (“New Construction or Conversion of Small Structures.” Accessory

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(appurtenant) structures including garages, carports, patios, swimming pools, and fences.”)
of the California Environmental Quality Act (CEQA) Guidelines.

SPECIAL CONDITIONS

1. This “S” Zone Approval-Amendment is for seven (7) trash enclosures, as shown on the approved plans dated October 27, 2004, and as amended by the approved special conditions. (P)
2. The applicant shall comply with Planning Commission Resolution No. 168, a resolution of standard conditions for commercial development. (P)
3. The trash/recycling enclosures shall comply with the requirements of City Council Resolution No. 6296, “Guidelines for Recycling Enclosures.” Minor changes to the enclosures shall be to the approval of Planning staff. (P)
4. Prior to building permit final, the applicant install replacement landscape plantings to the originally approved landscape plans and maintain the landscaped areas weed free for 90-days. (P)
5. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
6. The enclosure number 10 shown on the site plan is within the existing PG & E easement. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division. (E)
7. To accommodate the required number of bins needed to serve this shopping center, applicant or property owner shall construct a new trash enclosure or expand the existing enclosures. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)
8. Per Section 3.10 and 3.20, Chapter 200, Title V of Milpitas Municipal Code, the property owner/applicant is responsible for the solid waste, recycling and tallow account collection services. The BFI Commercial Representative shall evaluate the shopping center’s accounts to determine an adequate level of service. For general information, contact BFI at (408) 432-1234. (E)
9. Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit. (E)

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10. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

(P) = Planning Division

(E) = Engineering Department

TOPLINE PROPERTIES LLC

Investment & Management

Sep 13, 2004

City of Milpitas, Planning Division
455E. Calaveras Blvd.
Milpitas, CA 95035

Re: Apply for the approval of Chain Link Fence Trash/Tallow Enclosures

To Whom It May Concern:

There are 15 Trash Enclosures in Milpitas Square. Out of it, 8 are (E) Concrete Masonry and 7 (N) Chain Link Fence w/slats.

The 7 (N) Chain Link Enclosures are 6 feet in high, but they vary in depth and width.
See Trash Enclosure Schedule.

Detail plans, drawings, photos and other application requirement are submitted with the letter. Should you have any question about the application, please contact William Hsieh at office (510)226-6338 or about the drawing, please contact John Chen Cel. (408)655-9488. Thank you very much for your great Help!

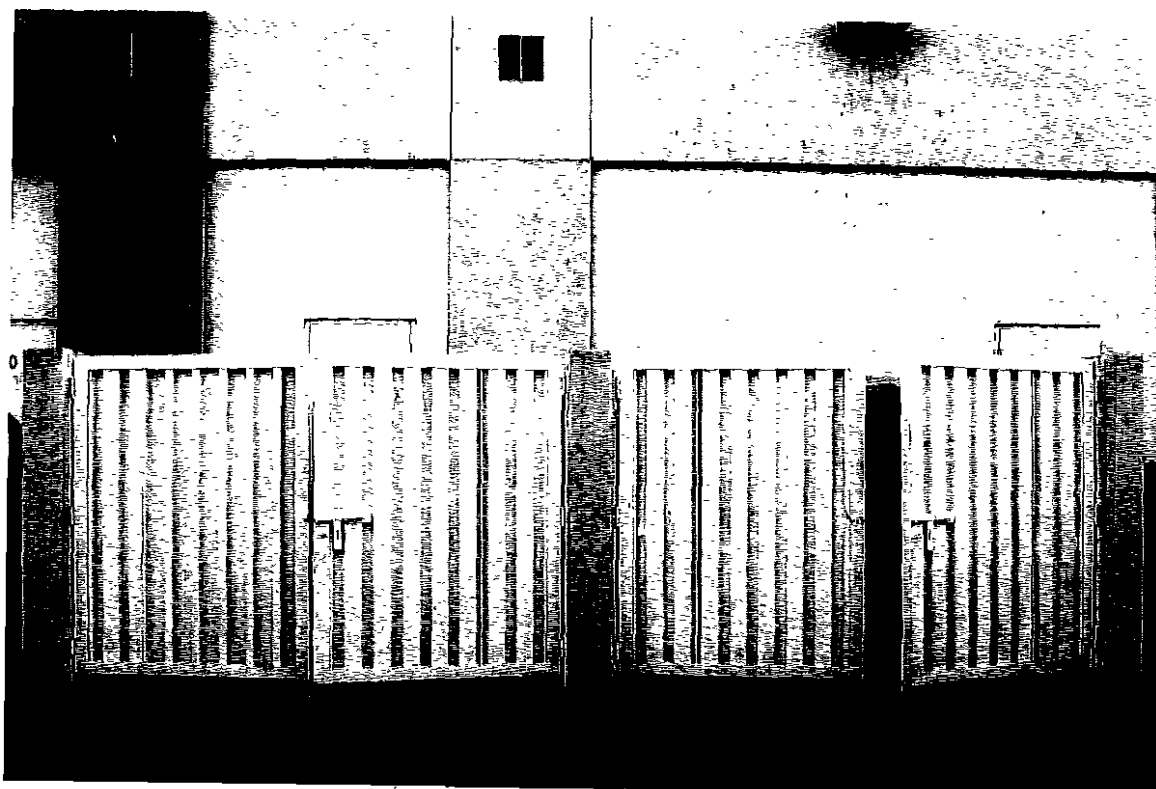
Sincerely,



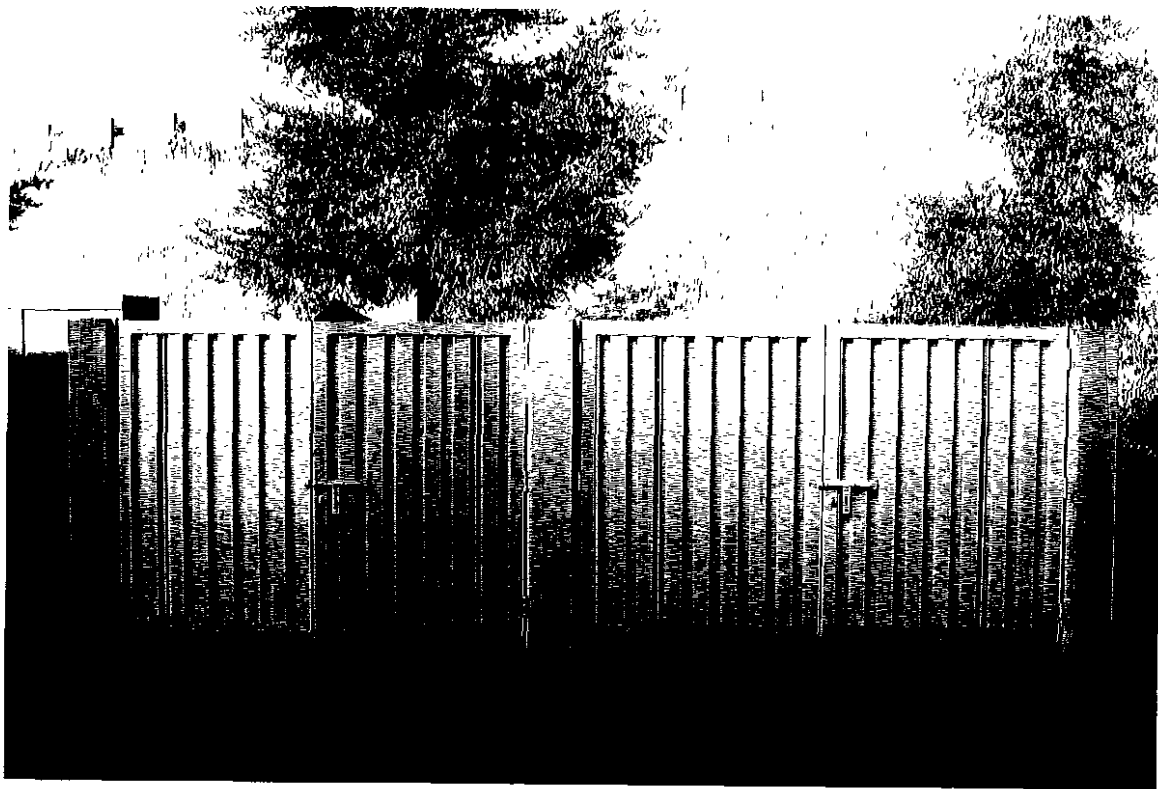
William Hsieh
Management
Topline Properties



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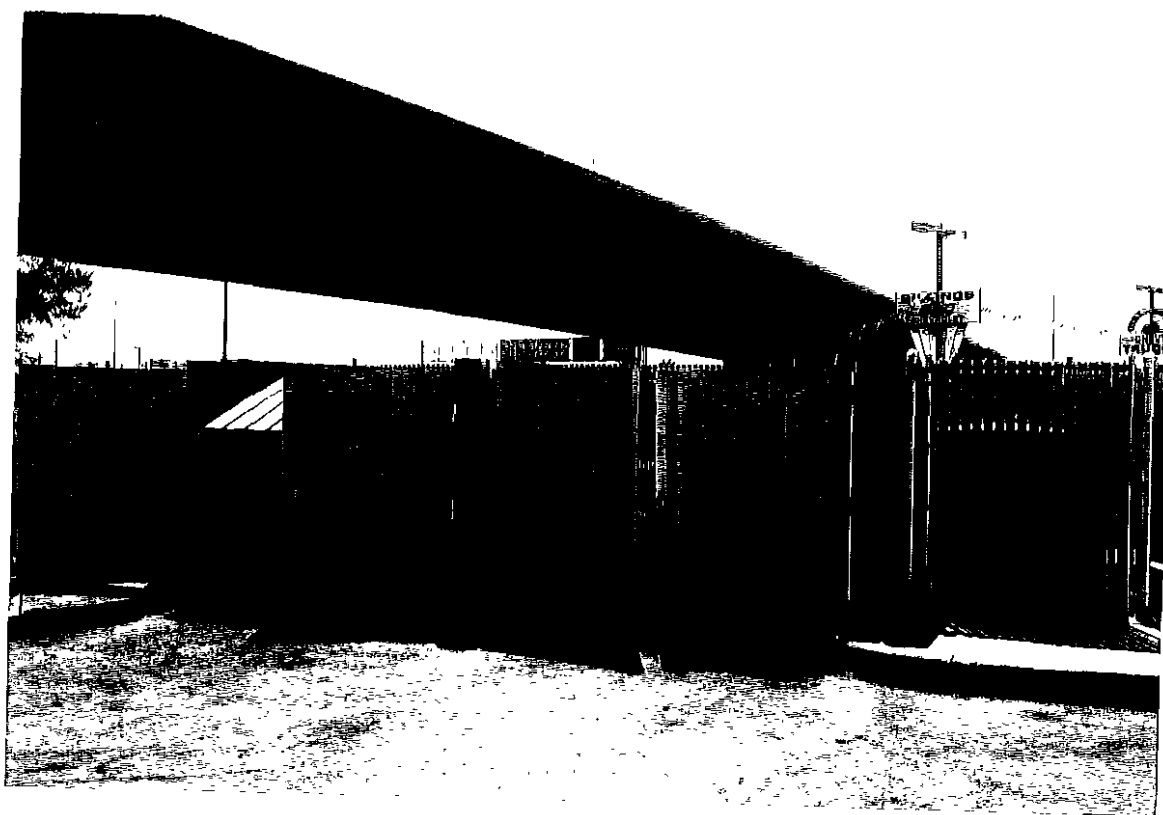
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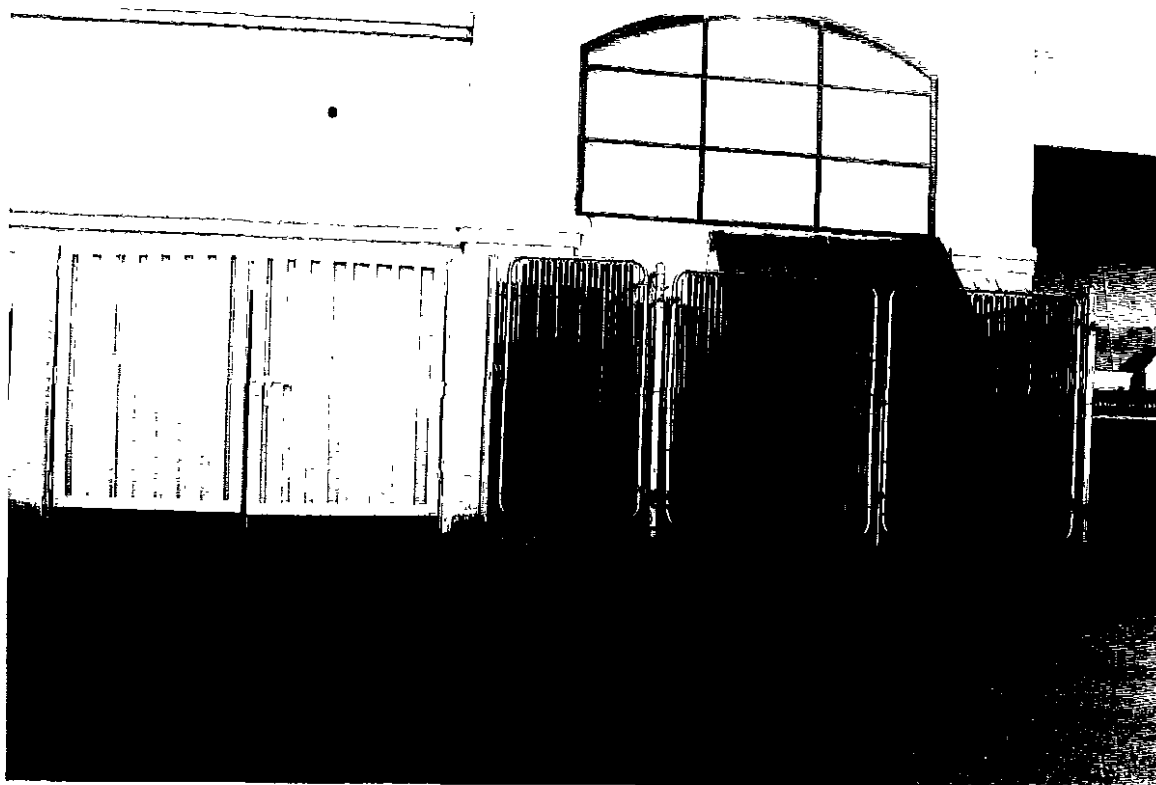
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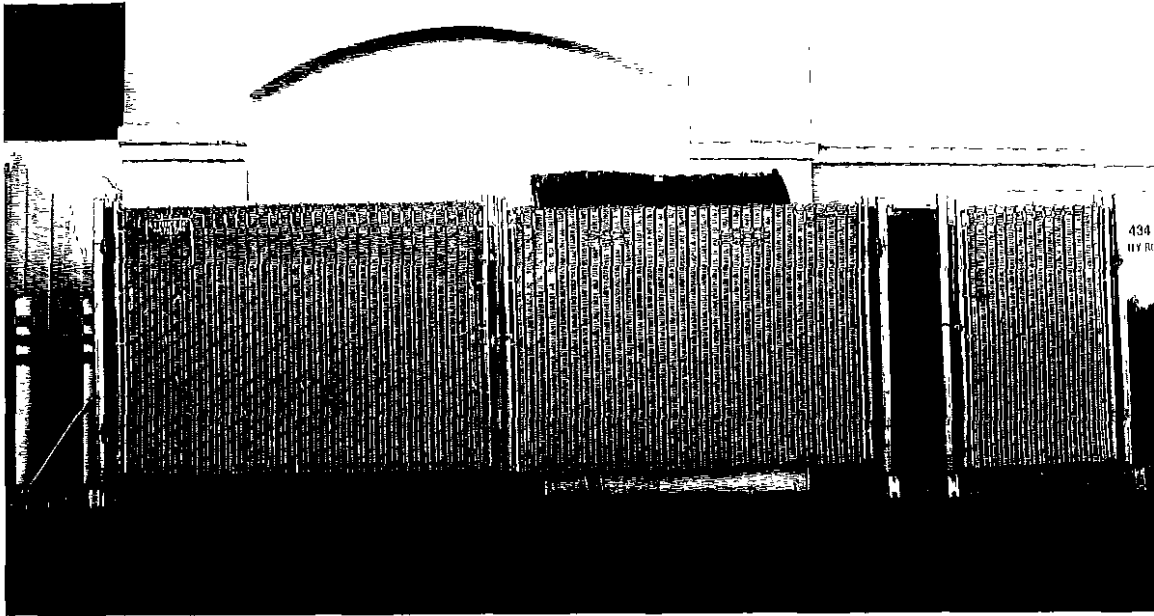


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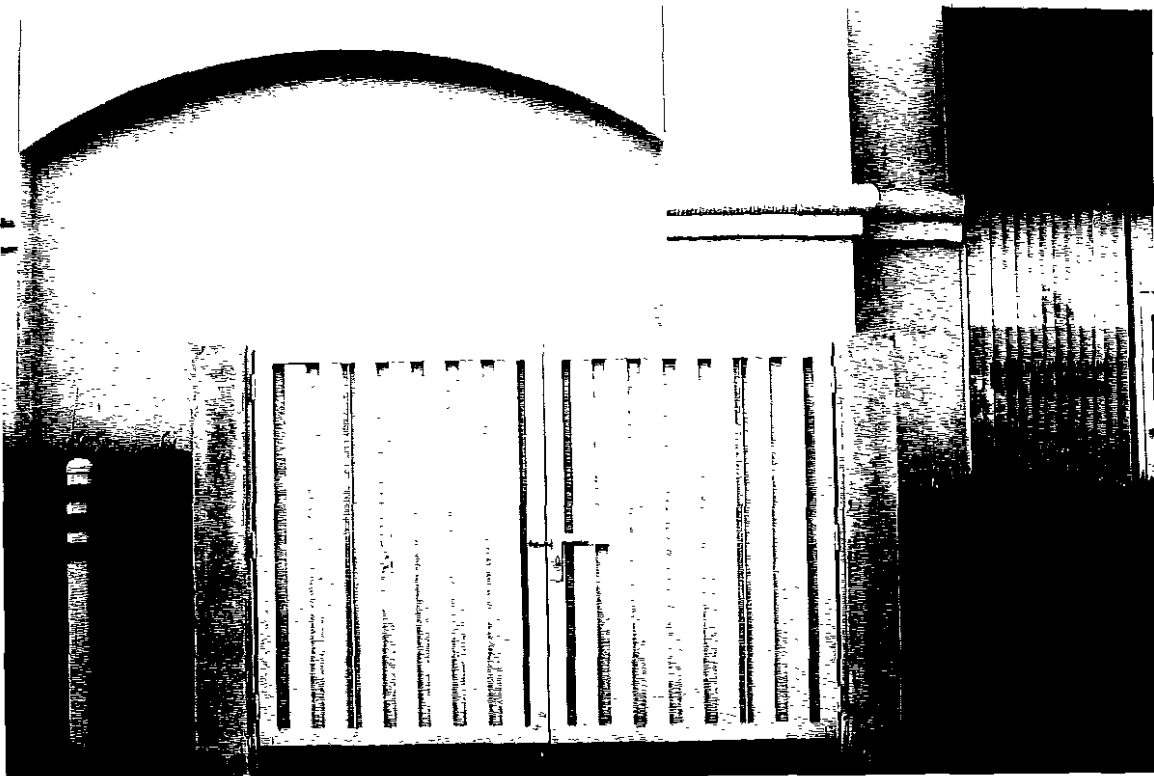


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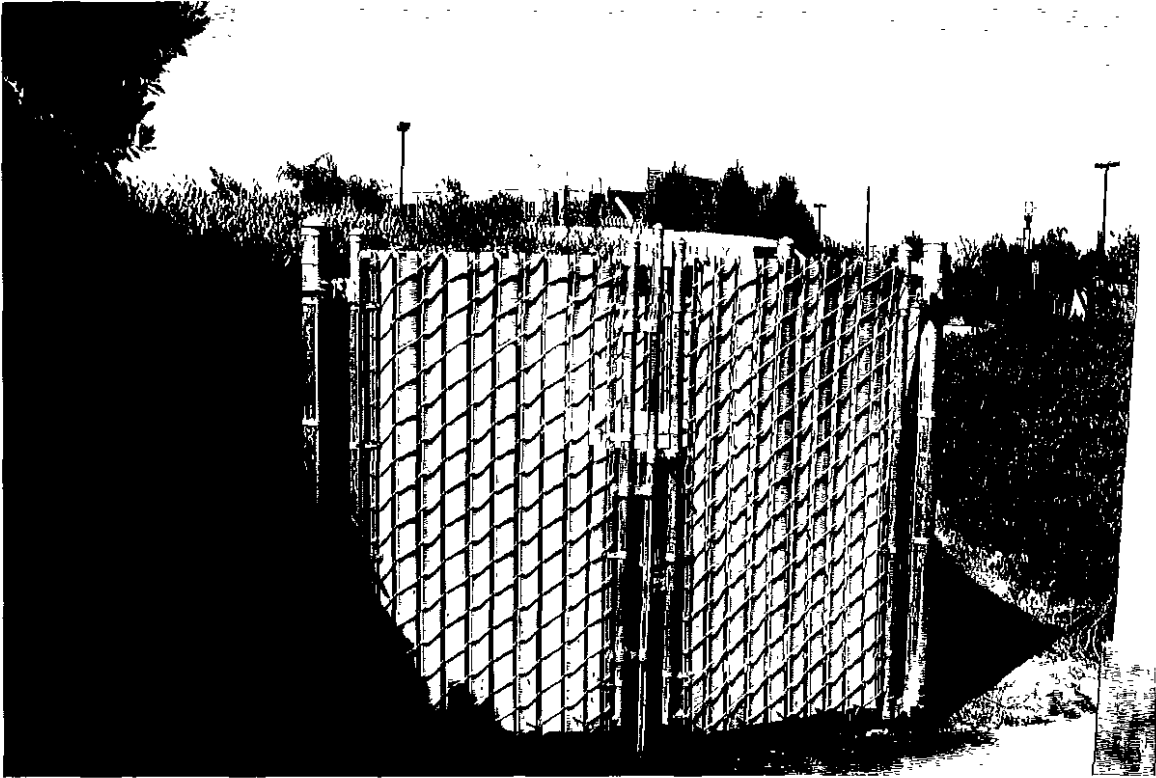
info loan



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Landscape